



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

February 8, 2018

**BY ECF**

The Honorable Katherine B. Forrest  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re:    *United States v. Chi Ping Patrick Ho,*  
17 Cr. 779 (KBF)**

Dear Judge Forrest:

The Government respectfully submits this letter to propose a schedule with respect to any classified discovery and any motion practice relating to classified information. Earlier today, the Government filed a notice pursuant to 50 U.S.C. § 1806(c) of its intent to offer into evidence, or otherwise use or disclose in any proceedings in the above-captioned matter, information obtained or derived from electronic surveillance and physical search conducted pursuant to the Foreign Intelligence Surveillance Act of 1978 (“FISA”), as amended, 50 U.S.C. §§ 1801-1812 (“the FISA Notice”). In addition, the Government anticipates that it is likely to file *ex parte* and under seal a motion pursuant to Section 4 of the Classified Information Procedures Act, 18 U.S.C. App. 3, § 4 (“CIPA Section 4”).

The Government respectfully requests the following schedule with regard to classified discovery and associated motion practice:

First, the Government requests that the Court authorize it to complete the production of, or make available for review, any classified discovery by May 31, 2018. The Government will submit to defense counsel a proposed draft of a protective order governing the disclosure, review, and use of such classified information, and then will then submit a proposed order to the Court.

Second, the Government respectfully requests that it be authorized to file any motion pursuant to CIPA Section 4 by June 30, 2018. The defense has informed the Government that it also intends to submit an *ex parte* filing pursuant to CIPA for consideration in connection with the Government’s CIPA Section 4 submission.

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Finally, the Government respectfully requests that the Court set the following schedule for any defense motion(s) relating to the FISA Notice filed earlier today:

**April 16, 2018:** Defense motions (if any) in response to FISA Notice  
**July 14, 2018:** Government opposition to defense motion(s)  
**August 10, 2018:** Defense reply (if any) in support of defense motion(s)

Respectfully submitted,

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